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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/020,817 | 12/12/2001 | Zeljko Bulut | 16-088 | 8917 |

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EXAMINER

FOX, BRYAN J

ART UNIT

PAPER NUMBER

2686

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/020,817 | BULUT, ZELJKO | |
| | Examiner | Art Unit | |
| | Bryan J Fox | 2686 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-22 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: the word "remainder" is misspelled "reminder" on page 1, line 29.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There are a number of 112, second paragraph issues, including the following:

Claim 13 recites the limitation "said position data" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the type" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "said position data" in lines 3 and again in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "said position display manager" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "said position data" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "said user" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "said corresponding geographical position information" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 7-10, 12-14, 17, 19 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Durst et al (US 20040012519A1).

Regarding claim 1, Durst et al discloses an object locator system 10 (see page 2, paragraph 23), which reads on the claimed "network element locator for a network element of a communication network". The object locator 42 acquires the coordinates of the individual object and stores them into the memory of the controller 66 of the object locator 42 (see page 5, paragraph 39), which reads on the claimed "means for storing position data reflecting the current geographical location of said NE". The object locator 42 is configured to transmit the coordinates in response to the request received

over the two-way paging system 12 (see page 5, paragraph 39), which reads on the claimed "means for transmitting said position data over said network in response to a request for position reporting".

Regarding claim 2, Durst et al discloses that the object locator 42 is configured to transmit the coordinates in response to the request received over the two-way paging system 12 (see page 5, paragraph 39). The object locator includes a paging transmitter 92 and a paging receiver 60 (see page 5, paragraph 37 and figure 4), which reads on the claimed "receiver for receiving said request" and "transmitter for transmitting said position data". The controller 66 controls the operation of the object locator 42 (see page 5, paragraph 37) and stores the location information in its memory (see page 5, paragraph 39), which reads on the claimed "control means for controlling transfer of said position data from said means for storing, said receiver and said transmitter".

Regarding claim 7, Durst et al discloses that the object locator 42 enables the GPS receiver 78 to acquire the location coordinates of the object locator 42 by receiving signals from the global positioning satellite system 50 illustrated in figure 1 (see page 5, paragraph 38) and stores this information (see page 5, paragraph 39), which reads on the claimed "interface for receiving geographical position information, converting it into said position data and providing said position data to said means for storing".

Regarding claim 8, Durst et al discloses that the object locator receives signals from the global positioning satellite system 50 (see page 5, paragraph 38), which reads on the claimed "means for acquiring said geographical location information".

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Regarding claim 9, Durst et al discloses that the object locator receives signals from the global positioning satellite system 50 (see page 5, paragraph 38), which reads on the claimed "GPS geographical position detector embedded into said network element locator".

Regarding claim 10, Durst et al discloses that the coordinate information is stored into the memory 68 of the controller 66 in the object locator 42 (see page 5, paragraph 39), which reads on the claimed "said means for storing comprises a dedicated memory element".

Regarding claim 12, Durst et al discloses that the receiver and transmitter are connected through a control section (see figure 4). Alternatively, the system includes a base station 18 for receiving an address of an object desired to be located (see page 2, paragraph 25), which reads on the claimed "said receiver", and the system transmits a paging message to the object locator 42, which responds by transmitting location information, which reads on the claimed "said transmitter" and together with the receiver read on the claimed "said receiver and transmitter are connected over a signaling and control layer of said network".

Regarding claim 13, Durst et al discloses an object locator system 10 with a base station 18 may have an input 20 such as a keyboard for receiving a dialed-in telephone number and an output 30 for displaying location information in any of several forms including text, figures, graphics or numbers (see page 2, paragraph 23) and may be in communication with multiple object locators 42 (see page 2, paragraph 25), which reads on the claimed "network element position manager for a communication network of the

type having a user-network interface for monitoring and controlling a plurality of network elements of said network". The base station 18 transmits a paging transmit signal to the object locator 42 requesting location information (see page 2, paragraph 25), which reads on the claimed "means for transmitting a position information request over said network". The base station receives location information (see page 2, paragraph 25), and may display the information (see page 2, paragraph 23), which reads on the claimed "means for converting said position data into user-format position information".

Regarding claim 14, Durst et al discloses that the base station 18 transmits a paging transmit signal to the object locator 42 requesting location information (see page 2, paragraph 25), which reads on the claimed "said means for transmitting comprises a transmitter for transmitting said position information request". The base station receives location information (see page 2, paragraph 25), which reads on the claimed "receiver for receiving said position data over said network", and may display the information (see page 2, paragraph 23), which reads on the claimed "control means for controlling transfer of said position data from said receiver to said position display manager".

Regarding claim 17, Durst et al discloses an object locator system 10 (see page 2, paragraph 23), which reads on the claimed "method for specifying the position of a network element in a communication network". The object locator 42, which reads on the claimed "network element", acquires the coordinates of the individual object and stores them into the memory of the controller 66 of the object locator 42 (see page 5, paragraph 39), which reads on the claimed "storing position data of said network element at said network element". The object locator 42 is configured to transmit the

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coordinates in response to the request received over the two-way paging system 12 (see page 5, paragraph 39), which reads on the claimed "transmitting said position data to a remote location on request". The location information is processed for display as data which may be in the form of degrees of longitude and latitude, the names of the closest major street intersections or in terms of polar coordinates such as an azimuth heading and a distance between the base station 302 and the object locator 42 (see page 8, paragraph 50), which reads on the claimed "specifying a user-formatted information for reporting said position". A GPS display 366 is configured to provide a map of the area that includes both the base station and the object locator 42, and thus display the relative position of each component of the object locator system (see page 8, paragraph 52), which reads on the claimed "providing said position data to said user as said user-formatted information".

Regarding claim 19, Durst et al discloses that a base station 18 transmits a paging transmit signal to the antenna 36 coupled to the object locator 42 requesting location information (see page 2, paragraph 25), which reads on the claimed "from a network element locator manager, transmitting a request for position reporting to said NE". The object locator 42 processes the request for location information, obtains location information from the global positioning satellite system 50 and transmits a response containing the location information (see page 2, paragraph 25), which reads on the claimed "from a NE locator transmitting said position data from said network element to a network management system".

Regarding claim 22, Durst et al discloses that the object locator 42 may be programmed for operating an alarm or automatically transmitting location information to a base station when the object locator moves outside a perimeter (see page 4, paragraph 35), which reads on the claimed "automatically transmitting said position data whenever said NE generates an alarm".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Durst et al in view of Scrandis et al (US006694455B1).

Regarding claim 3, Durst et al discloses the object locator 42 acquires the coordinates of the individual object and stores them into the memory of the controller 66 of the object locator 42, then transmits the coordinates in response to the request received over the two-way paging system 12 (see page 5, paragraph 39), which reads

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on the claimed invention where the position data comprises the current geographical coordinates of said NE. Durst et al fails to expressly disclose that identification is contained in the location information.

Scrandis et al discloses a system with a network element processor that monitors, stores and transmits status and identification information to other network elements, where the identification information can include, for example, the network address (e.g. IP address), and the physical location of the network element (e.g. rack, bay, shelf, etc) (see column 7, lines 57-67).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Durst et al with Scrandis et al to include the above transmission of identification information including an address in order better manage multiple elements.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durst et al in view of Scrandis et al, and further in view of McCall et al (US006738628B1).

Regarding claim 4, Durst et al discloses the object locator 42 acquires the coordinates of the individual object and stores them into the memory of the controller 66 of the object locator 42, then transmits the coordinates in response to the request received over the two-way paging system 12 (see page 5, paragraph 39), which reads on the claimed invention where the position data comprises the current geographical coordinates of said NE. Durst et al fails to expressly disclose that identification is contained in the location information.

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Scrandis et al discloses a system with a network element processor that monitors, stores and transmits status and identification information to other network elements, where the identification information can include, for example, the network address (e.g. IP address), and the physical location of the network element (e.g. rack, bay, shelf, etc) (see column 7, lines 57-67).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Durst et al with Scrandis et al to include the above transmission of identification information including an address in order better manage multiple elements. The combination of Durst et al and Scrandis et al fails to teach the use of a postal address to locate an object.

McCall discloses a system where the form of location information transmitted may be a postal address (see column 6, lines 48-61).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Durst et al and Scrandis et al with McCall et al to include the above use of a postal address for location information in order to customize the form of the location information to the organization as suggested by McCall et al (see column 6, lines 48-61).

Regarding claim 5, the combination of Durst et al, Scrandis et al and McCall et al discloses that the location information may include the rack, bay or shelf of the element (see Scrandis et al column 7, lines 57-67), which reads on the claimed "the place of said NE at said site".

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Durst et al in view of Thompson et al (US20020022483A1).

Regarding claim 11, Durst et al fails to disclose that the location information is stored in a management information database.

Thompson et al discloses a system where the MIB 150 may store the precise longitude, latitude, altitude and other geographic information pinpointing the location of each access point (see page 7, paragraph 88).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Durst et al with Thompson et al to include the above storage of the location information in the MIB in order to be consistent with the purpose of the MIB of storage and management of information needed by network 130 to operate as suggested by Thompson et al (see page 7, paragraph 86).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Durst et al in view of Ohata et al (US 20020045987A1).

Regarding claim 15, Durst et al discloses that the GPS display is configured to provide a map of the area that includes both the base station 350 and the object locator 42, and thus display the relative position of each component of the object locator system with respect to each other (see page 8, paragraph 52). Durst et al fails to expressly disclose the use of an icon to indicate the position.

Ohata et al discloses a location system where GPS position information of a movable body is used to map position information (e.g. a luminescent spot, an icon, and

other identifiable marks) of the movable body on a map on the basis of the GPS position information (see page 3, paragraph 41).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Durst et al with Ohata et al to include the above icon in order to clearly and distinctly present relevant information in a visually appealing manner to the user.

Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durst et al in view of McCall et al.

Regarding claim 16, Durst et al discloses that the location information may be in any of several forms, for example, text (see page 2, paragraph 23). Durst et al fails to disclose that the location information would include a postal address.

McCall et al discloses a system where the form of location information transmitted may be a postal address (see column 6, lines 48-61).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Durst et al with McCall et al to include the above use of a postal address for location information in order to customize the form of the location information to the organization as suggested by McCall et al (see column 6, lines 48-61). The combination of Durst et al with McCall et al fails to expressly disclose that the location information is in file format.

However, the examiner takes official notice that putting information in a text file format was well known in the art to provide information in the form of a text file and it would have been obvious to a person of ordinary skill in the art at the time of the

invention to include the above text information in a file in order to provide the information in the most useful format possible for a user.

Regarding claim 18, Durst et al discloses that the object locator 42 may be constructed such that initial mating of the clasp or buckle will activate operation of the object locator 42 (see page 3, paragraph 31). Durst et al fails to expressly disclose reporting of the position upon installing the device. However, the initial mating of the clasp or buckle activates operation suggests reporting of the position upon installation of the device.

McCall et al discloses a system where an asset determines its position every time it powers on, or every time it boots up or every time it connects to the network and optionally at regular intervals after that. If the asset is mobile, it should report every time it connects to a static network or at regular intervals if it uses a wireless network to report location (see column 5, lines 33-39) and the location information is stored in the server (see figure 3), which reads on the claimed "during installation of said NE, obtaining said position data from a geographical position detector and storing said position data in a storing means; and updating said position data in said storage means whenever said NE is displaced to another site".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Durst et al with McCall et al to include the above location updates in order to automatically update location information in a manner that needs no user intervention and is transparent to the overall management system (see column 2, lines 43-46).

Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durst et al in view of Kingdon et al (US006088594A).

Regarding claim 20, Durst et al discloses that the display 30 may be configured to display location information in any of several forms, for example, text, figures, graphics, or numbers (see page 2, paragraph 23). Durst et al fails to expressly disclose instructing a NE display over a user-network interface of the presentation set-up for the user formatted information where the position data is converted into the user-formatted information according to the presentation setup.

Kingdon et al discloses a system that returns location where the mobile subscriber can select the format of the returned location information (step 410), e.g. street, address, location on a map, or other type of format, using either the mouse 302 or keys 306 on the keypad of the MS 200. The format request is sent through the interface between the terminal-based browser 305 and the web-based location application 330 (see column 4, lines 45-53).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Durst et al with Kingdon et al to include the above user selected format in order to provide the most user-friendly interface.

Regarding claim 21, the combination of Durst et al and Kingdon et al discloses that the location information could be returned as a location on a map (see Kingdon et al column 4, lines 45-53), which reads on the claimed "invoking a digital map and associating said position data with said corresponding geographical position information received with said position data".

Allowable Subject Matter

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 6, the prior art applied fails to teach, suggest or render obvious a network element locator for a network element of a communication network, comprising: means for storing position data reflecting the current geographical location of said NE; and means for transmitting said position data over said network in response to a request for position reporting, wherein said position data comprises NE identification, the postal address of the location of said NE, the postal address of a network site including said NE, and the place of said NE at said site and further includes rack and shelf location of all card-packs of said NE.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Condict et al (US006163392A) discloses a distributed intelligence wavelength division multiplexed network.

Condict et al (US005978115A) discloses a span management system for wavelength division multiplexed network.

Thomas (US 20030060212A1) discloses a method and system for location tracking.

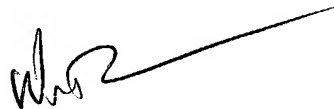
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J Fox whose telephone number is (703) 305-8994. The examiner can normally be reached on Monday through Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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BJF



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